

HOUSE RESEARCH ORGANIZATION • TEXAS HOUSE OF REPRESENTATIVES
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HOUSE RESEARCH ORGANIZATION

daily floor report

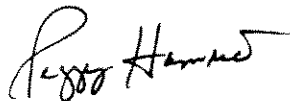
Thursday, January 16, 2003
78th Legislature, Number 3
The House convenes at 9:30 a.m.

The House and the Senate will meet today in joint session at 10 a.m. in the House chamber to canvass the votes for governor and lieutenant governor. A review of this process is on page 1.

The House today is expected to consider HR 5 by Wilson, the proposed House rules for the 78th Legislature. A summary of the proposed changes begins on page 2.

Yesterday, the House adopted HR 4 by Bonnen, suspending the constitutional order-of-business provision. A discussion of this provision is on page 8.

Please complete your ballot to approve or disapprove the slate of eight members nominated to serve four-year terms on the House Research Organization Steering Committee and return it to the HRO office in Room 420 of the John H. Reagan Building by 5 p.m. tomorrow.



Peggy Hamric
Chairman
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Roberto Gutierrez
Vice Chairman

PROPOSED HOUSE RULE CHANGES

The proposed changes in the House Rules for the 78th Legislature, distributed to the members on Tuesday and reflected in HR 5 by Wilson as introduced, would amend the rules used during the 77th Legislature. The proposed changes are summarized below, with the rules affected and the page numbers of the proposed changes cited in parentheses.

Appropriations and Oversight

The speaker would designate as chair for budget and oversight (B&O) a member of each of 27 substantive committees. The speaker would determine which committees would have a B&O chair. The Appropriations Committee would be composed of a chair, a vice-chair, and the 27 B&O chairs, all named by the speaker. Seniority no longer would apply for members seeking membership on the Appropriations Committee. A member could indicate a desire to be a B&O chair in listing committee preferences, but would not be entitled to that designation through seniority (Rule 4, sec. 2, pages 47-48).

HR 5 would repeal the requirement that each substantive committee have an oversight subcommittee responsible for monitoring the operations and performance of the state agencies under the committee's jurisdiction, with the committee chair naming the subcommittee chair, vice-chair, and membership (Rule 4, secs. 43 and 44, pages 72-73).

Under the current rules, one-half of the Appropriations Committee membership, excluding the chair and the vice-chair, is subject to seniority choices when members choose their committee preferences. The Appropriations Committee has sole jurisdiction over the state budget.

Under House rules in effect from 1975 through 1992, most of the substantive committees had a subcommittee for budget and oversight (B&O), appointed by the speaker, that initially considered the budgets of the agencies referred to the subcommittee by the Appropriations Committee chair. The Appropriations Committee was composed of the B&O subcommittee chairs, plus a chair and a vice chair, all appointed by the speaker. The B&O subcommittees held the initial hearings on the agency budget requests, on a schedule set by the Appropriations Committee chair. Subcommittee budget recommendations had to be approved by the full committee, then forwarded to the Appropriations Committee, which then held another hearing on the agency budgets. The committee budget recommendations could be increased by a two-thirds vote of the Appropriations Committee, but could be decreased or eliminated by a majority vote. The proposed rules in HR 5 would specify only the appointment of the Appropriations Committee and the B&O chairs, not the procedures for consideration of the general appropriations bill.

Committee Jurisdiction

HR 5 would create four new standing substantive committees. Under HR 5, the House would have 34 substantive committees and six procedural committees, a total of 40. (Standing committees are established in the House rules. Substantive committees have jurisdiction over specific areas, as opposed to procedural committees such as Calendars.)

The new committees and their jurisdictions would be:

- **Border and International Affairs** (seven members), with jurisdiction over relations between Texas and other nations, international trade, economic development, and tourism (from the current State, Federal, and International Relations Committee) and provision of public services to border residents (Rule 3, sec. 37, page 44).
- **Local Government Ways and Means** (seven members), with jurisdiction, derived from the current Ways and Means Committee, over local government revenue and taxes, including property tax appraisal and collection (Rule 3, sec. 38, pages 44-45).
- **Government Reform** (seven members), with jurisdiction over state agency organization, operation, powers, regulations, and management (concurrent with the State Affairs Committee) and elimination of inefficiencies in the provision of state services. The agencies under its jurisdiction would be the Texas Incentive and Productivity Commission and the Sunset Advisory Commission (from State Affairs) (Rule 3, sec. 39, page 45).
- **Regulated Industries** (seven members), with jurisdiction over the regulation of electric and telecommunications utilities (from State Affairs), science and technology (concurrent with Economic Development, except for regulatory matters), pipelines and other common carriers (concurrent with Energy Resources), and other industries not specifically assigned to another committee. The agencies under its jurisdiction would be the Public Utility Commission, the Office of Public Utility Counsel, and the Telecommunications Infrastructure Fund Board (from State Affairs) (Rule 3, sec. 40, pages 45-46).

Other current committees would have name and jurisdictional changes:

- The current State Recreational Resources Committee would be renamed the **State Recreational and Cultural Resources Committee**. In addition to its current jurisdiction over parks, wildlife, fisheries, and other recreational activities, this committee would cover cultural and historical resources and tourism and the Texas Commission on the Arts, the State Cemetery Committee, the Texas State Library and Archives Commission, and the San Jacinto Historical Advisory Board (all from the current State, Federal, and International Relations Committee) (Rule 3, sec. 33, pages 40-41).
- The current State, Federal, and International Relations Committee would be renamed the **Defense Affairs and State-Federal Relations Committee**. In addition to its current jurisdiction over relations between Texas and other states, the federal government, and the U.S. military and veterans affairs, this committee would cover military base realignment or closure, terrorism response, and emergency preparedness (from the current Public Safety Committee). It would gain jurisdiction over the Division of Emergency Management, the Emergency Management Council (from the current Public Safety Committee) and the Veterans Land Board (from the Land and Resource Management Committee) (Rule 3, sec. 32, pages 39-40).
- The current Public Safety Committee would be renamed the **Law Enforcement Committee** and, as noted earlier, lose jurisdiction over emergency preparedness (Rule 3, sec. 28, pages 36-37).

Other committee jurisdictions would be revised to update the new names of existing state agencies (such as the Texas Commission on Environmental Quality) or to revise their jurisdictions:

- Jurisdiction over regulation of ethics, political candidates, and lobbying and the Texas Ethics Commission would shift from the State Affairs Committee to the Elections Committee (Rule 3, sec. 10, page 25 and sec. 31, pages 38-39).
- Jurisdiction over regulation of metropolitan transit authorities would shift from the Urban Affairs Committee to the Transportation Committee (Rule 3, secs. 34, 35, page 42).
- Jurisdiction over the Board of Tax Professional Examiners would shift from the Ways and Means Committee to the Licensing and Administrative Procedures Committee (Rule 3, sec. 22, page 33 and sec. 36, page 43).

Under Rule 4, sec. 4, no member may serve on more than two standing substantive committees. (Procedural committees do not count.) The chairs of the Appropriations and State Affairs committees may serve only on their one substantive committee, and the speaker serves on no committee, so there must be a total of 296 committee slots available. Adding four new substantive committees, with a total of 28 members, means the number of members on other committees must be revised.

The membership of the Agriculture and Livestock, Corrections, Economic Development, Elections, Energy Resources, Environmental Regulation, Financial Institutions, Pensions and Investments, Law Enforcement (Public Safety), State Recreational and Cultural Resources (State Recreational Resources), and Urban Affairs committees would be reduced from nine to seven members. State Affairs would shrink from 15 to nine members and Ways and Means from 11 to nine. Appropriations would increase from 27 to 29 members.

Committee Procedures

The committee coordinator would be a separate office from the chief clerk, as was the case before 1993 (Rule 2, sec. 1, page 13, sec. 8, pages 18-19, plus various subsequent references). Rather than the Committee on House Administration preparing a schedule for regular meetings of House committees, the committee coordinator would perform that duty under the committee's direction or supervision (Rule 4, sec. 8, pages 51-52).

References to the recently eliminated Office of House Bill Analysis, which wrote the committee report bill summaries, would be deleted. The bill descriptions in committee reports could be in summary form, as now, or section-by-section (Rule 4, sec. 31, page 66 and Rule 12, sec. 1, page 157).

HR 5 would repeal the current provision that a point of order raised for violating a rule governing committee reports, committee minutes, or accompanying documentation may be overruled if the purpose of the rule was substantially fulfilled and the violation did not deceive or mislead (Rule 1, sec. 9(c), page 5).

HR 5 would require the speaker to designate a person to fill a vacancy in the chair or vice-chair position on any committee. A vacancy would occur if the member resigned the position, ceased to be a legislator for any reason, or failed to be nominated or elected to the Legislature for the next term. (Government Code, 301.041 terminates a legislator's membership on legislative boards and interim committees under the same conditions.) A member vacating a chair or vice-chair position would continue to perform its duties until a successor was named (Rule 4, sec. 5, page 50).

Local and Consent Bills

Local bills are defined in Rule 8, sec. 10, and notice of intention to file such bills must be published in a local newspaper and a copy of the notice attached to the bill when it is filed. House committees currently may not consider a local bill unless proper notice was attached to the bill. Also, local bills are not subject to the restriction in Rule 8, sec. 8 that bills cannot be filed after the first 60 days of the regular session unless permission is granted by a four-fifths record vote of the House membership. HR 5 would revise these provisions.

Local bills could be considered in committee even if a copy of the local publication notice had not been attached to the bill when it was first filed. The notice would have to be filed with the chief clerk and distributed to the committee members before the first time the bill was laid out in a committee meeting. The notice would be attached to the bill on first printing (the committee report) and remain with the bill throughout the legislative process (page 135).

A bill could be considered "local" for purposes of waiving the 60-day filing restriction, even though publication of local notice of the bill was not otherwise required, if the bill related to a specified district, such as a water district, created under Texas Constitution, Art. 16, sec. 59, a specified hospital district, or another specified special purpose district (page 134).

A bill or resolution with a fiscal note showing it would authorize or require spending or diversion of state funds for any purpose could not be placed on the Local, Consent, and Resolutions Calendar. Also barred from that calendar would be a bill or resolution that changed existing law to prevent any money from being available to fund state government, including by transferring or diverting money from the general revenue fund to another fund (Rule 6, sec. 23, pages 112-113).

Bills postponed from the Local, Consent, and Resolutions Calendar to a specific day would be considered on second reading under the rules applicable to that calendar, to the extent practicable (Rule 7, sec. 15(b), page 120).

Floor Procedure

The speaker could not recognize a member to offer an original amendment (amending the bill itself, rather than an amendment to an amendment or a substitute amendment) to a Sunset bill unless 25 copies of the amendment were available in the chief clerk's office at least 12 hours before the time that the calendar including the bill was eligible to be considered. The chief clerk would not have to retain for possible future consideration copies of an amendment to a bill that was recommitted or returned to committee (Rule 11, sec. 6(g), pages 151-152).

The speaker would put questions to the members in the form of “all in favor” say aye (or nay), rather than “as many are in favor (opposed)” and could comply with this requirement substantially rather than “distinctly” (Rule 1, sec. 7, pages 3-4).

HR 5 would repeal existing Rule 8, sec. 19, which allows a resolution to recall a bill from the Senate to be in order if a motion to reconsider the vote by which the bill finally passed had been made and adopted within the time prescribed by the rules (page 141).